

REMARKS

Claims 4-8, 25-29, and 41-48 were pending in the application. Claims 45-48 have been cancelled. Claims 4, 25, 41, and 43 have been amended to clarify the nature of the invention. Support for these amendments may be found in the Specification on at least page 14, lines 1-8; page 17, line 7 to page 18, line 4; and figure 1, elements 151 and 152 and the accompanying description. Accordingly, claims 4-8, 25-29, and 41-44 remain pending subsequent entry of the present amendment.

35 U.S.C. § 112 REJECTIONS

Claims 45-48 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. While Applicant disagrees with the rejection, in view of the claim amendments the rejections are rendered moot.

35 U.S.C. § 103 REJECTIONS

In the present Office Action dated April 19, 2006, claims 4-8, 25-29, 41, 43, and 45-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Using Netscape 2"), in view of U.S. Patent No. 5,724,574 (hereinafter "Stratigos"), and further in view of U.S. Patent No. 5,572,643 (hereinafter "Judson"). Applicant respectfully submits the pending claims recite features neither disclosed nor suggested by the cited art. Accordingly, reconsideration is requested in view of the following discussion.

Applicant submits that each of the independent claims recite features neither disclosed nor suggested by the cited art. For example, claim 4 recites a method that includes

" . . . without interrupting presentation of said first electronic mail message: identifying a second one of said electronic mail messages for preloading, wherein said identifying is not in response to a dynamic selection of said second one of said electronic mail messages from said operator; preloading said second electronic mail message for later

presentation, wherein said preloading comprises downloading said second electronic mail message from the mail server . . .”

It is noted that the second one of the electronic mail messages is identified without a dynamic selection from the operator and subsequently downloaded from the mail server. Both the identifying and the downloading occur without interrupting presentation of the first electronic mail message.

On pages 3-4 of the present Office Action, the examiner states the following:

“identifying a second one of said electronic mail messages for preloading (see page 369, Fig. 14.15, where a second message is identified as shown by the multiple messages in the summary window).

...
Brown does not explicitly mention the feature of preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Brown, as evidenced by Stratigos et al.

In an analogous art, Stratigos et al. disclose a system for presenting electronic mail messages to an operator, including the steps of:

Preloading a second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message (see column 6, lines 18-26).”

However, Applicant submits that the combination of Brown and Stratigos neither teaches nor suggests the portion of claim 4 quoted above.

Brown merely discloses a mailbox window in which a list of message headers is displayed. When a user dynamically selects one of these message headers, it is highlighted in the mailbox window (Brown, page 369, Fig. 14.15). However, as is well known to users of computer window interfaces, selection of one of these message headers requires a user input, such as clicking a mouse or tabbing from one list element to the next. Applicant finds no teaching or suggestion in Brown of identifying a second one of

said electronic mail messages for preloading wherein said identifying is not in response to a dynamic selection of said second one of said electronic mail messages from said operator as recited in the claim.

Further Stratigos merely discloses decompressing already downloaded image files. More specifically, Stratigos discloses:

“While working on each image file (Step 304), the remote user occupies very little of the workstation processor time. For example, while the user is typing data that is relevant to the first image into the workstation, the majority of the processor time is spent waiting for the next character to be typed. This time can be utilized, in part, for decompressing the next image file (Step 306) so that the next image will be available for viewing when the remote user finishes working on the first image.” (Stratigos, col. 6, lines 18-26)

As may be seen from the above, the next image files is decompressed at the workstation while the user is working on the previous image file. However, Applicant finds no teaching or suggestion in Stratigos of **“preloading said second electronic mail message for later presentation, wherein said preloading comprises downloading said second electronic mail message from the mail server,”** as is recited in claim 4. Applicant’s recited preloading is not equivalent to the decompression disclosed by Stratigos. For at least these reasons, Applicant submits that claim 4 is patentable over the combined cited art. As independent claims 25, 41, and 43 include features similar to those of claim 4, claims 25, 41, and 43 are believed patentable for similar reasons. Likewise, dependent claims 3-8, 26-29, 42, and 44 are believed patentable for at least the above reasons.

In addition to the above, claim 4 recites additional limitations neither taught nor suggested by the cited art. For example, claim 4 recites, in relevant part:

“ . . . without interrupting presentation of said first electronic mail message: . . . preloading said second electronic mail message for later presentation, wherein said preloading comprises downloading said second electronic mail message from the mail server; and presenting to said

operator a status of said step of preloading said second electronic mail message”

As may be seen from the above, a status of preloading the second electronic mail message is presented to the operator, said preloading comprising downloading a second mail message from the mail server. Further, neither the preloading (comprising downloading) nor the presentation of the status interrupts presentation of the first electronic mail message. On pages 5 of the present Office Action, the examiner states the following:

“ . . . Judson discloses presenting to an operator a status of preloading a second electronic message (see column 6, lines 35-39, where the inline message is shown as the hypertext document is being downloaded using the status bar from Fig. 5). The document in Fig. 5 is preloading as a user is shown a welcome screen shown in Fig. 8.”

However, Applicant submits the disclosure of Judson is not equivalent to the above recited features. First, Applicant submits that the status bar of Judson’s FIG. 5 shows a status of downloading a portion of the currently presented web page shown as FIG. 5 itself, rather than a second electronic message as stated by the Examiner. More specifically, the text in the status bar of FIG. 5 reads “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. Applicant submits that lehman4.gif is part of the web page of FIG. 5, not a second electronic message. Therefore, Judson merely discloses displaying the status of downloading a portion of the presently displayed web page, not the status of downloading a second web page for later presentation.

Secondly, Applicant submits that Judson’s welcome screen shown in Fig. 8 is not a status of preloading. Judson discloses:

“FIG. 4 shows the browser navigation tool prior to download of the U.S. Patent and Trademark Office page (available at <http://www.uspto.gov>). FIG. 5 shows the web page as it exists on the display. This web page has various links including "Welcome to the United States Patent and Trademark Office." FIG. 6 shows the HTML source code used to generate the web page of FIG. 5, and FIG. 7 shows this source code modified to

include an information object 75 within a comment tag. This object displays the message "The PTO Welcomes You" when the "Welcome to the United States Patent and Trademark Office" link is activated. FIG. 8 shows the effect of this information object when the routine of FIG. 3 is carried out." (Judson, column 6, lines 13-25).

As noted above, the web page of Judson's FIG. 5 is not equivalent to the claimed second electronic message. Rather, Judson's web page of FIG. 5 contains various links including "Welcome to the United States Patent and Trademark Office.", each of which may be considered to point to a second web page. By selecting one of these links, a user of Judson's system may cause a second web page to be loaded. During the loading period, Judson's information object may cause a display such as the one illustrated in FIG. 8. However, Judson neither teaches nor suggests that a display such as that of FIG. 8 presents an operator a status of preloading a second electronic message. This may become apparent by considering Judson's detailed description of the nature of information object 75. In particular, Judson teaches that:

"As used herein, the "information object" or "information" output to the viewer during the link process should be broadly construed to cover any and all forms of messages, notices, text, graphics, sound, video, tables, diagrams, applets and other content, and combinations of any of the above." (Judson, column 7, lines 38-43).

The information object is not described as presenting to an operator a status of preloading a second electronic message. It is noted that Judson's information object is stored on the client so as to be readily available when a link is selected without the delay of waiting for a response from the server. Specifically, Judson teaches:

"A preferred operation of the inventive method is illustrated in the flowchart of FIG. 3. The method begins at step 70 as a current web page is being displayed on the graphical user interface of the computer. It is assumed that this web page has embedded therein one or more comment tags, each of which (or perhaps several of which in combination) define an information object. Generally, although not required, each information object will be provided for one or more links in the web page being displayed. However, because the information object is embedded within a comment tag, it is hidden or "masked" and thus is ignored by the display

routines of the browser. In step 72, **the method saves or stores the information object in memory or some dedicated portion of the RAM (e.g., a cache) so that it may be easily and quickly obtained.** At step 74, a test is made to determine whether a link associated with the information object has been activated. If so, the method continues at step 76 and issues a tcp/ip request to the network (assuming the link was to a URL). Step 78 represents the handshaking period during which the client waits for the appropriate response from the server. During this period, the client retrieves the information object (at step 80) and outputs the information (in step 82) to the user on the display. **Steps 80 and 82 are shown in parallel to the handshaking and wait step 78 to emphasize the inventive concept of displaying useful information to the viewer during the link process.** At step 84, a test is then performed to determine whether the download and refresh of the display is complete. If so, the routine saves the information object at step 86 and opens up access to the hypertext document at step 88.” (Judson, column 5 line 50 – column 6, line 12).

Accordingly, Judson’s information object is specifically intended to provide useful information without waiting for the delay introduced by the handshaking period between the client and the server. Since providing status of preloading depends on retrieving some information from the server, to do so would introduce a delay and work against the intended purpose of Judson’s information object. Therefore, Applicant finds no teaching or suggestion in Judson of presenting to said operator a status of said step of preloading said second electronic mail message.

Third, Judson discloses displaying the welcome screen shown in Fig. 8 when a link is activated, interrupting the previously displayed web page. Applicant finds no teaching or suggestion in Judson of “without interrupting presentation of said first electronic mail message: . . . presenting to said operator a status of said step of preloading said second electronic mail message” as is recited in claim 4.

Accordingly, Applicant submits that claim 4 is patentably distinguishable from the cited art for at least these additional reasons as well. The remaining independent claims are patentably distinguished from the cited art for similar reasons.

In the present Office Action dated April 19, 2006, claims 42 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Stratigos and in view of Judson as applied to claims 41 and 43 above, and further in view of Jiang et al. (U.S. Patent No. 5,623,603). In view of the above discussion, further traversal of these rejections is believed unnecessary at this time.

DOUBLE PATENTING

In the Office Action of April 19, 2006, claims 4 and 45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,377,978 in view of Judson et al (US 5,572,643). In view of the present claim amendments, submission of a terminal disclaimer would not be appropriate at this time.

Applicant believes all claims to be in condition for allowance. However, should the examiner believe issues remain, the below signed representative requests a telephone interview at (512) 853-8866 to facilitate a speedy resolution.



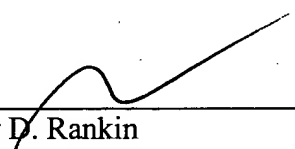
CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5957-13101/RDR.

☒ A return postcard

Respectfully submitted,



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